

**41-3-409.5 Unbranded certificate of title -- Application requirements -- Recording requirements -- Recurrence of nonconformities.**

- (1) To obtain an unbranded certificate of title to a nonconforming vehicle:
  - (a) the vehicle must have been originally titled in Utah;
  - (b) the vehicle must have been originally branded in Utah under Section 41-1a-522; and
  - (c) the manufacturer must submit to the Motor Vehicle Enforcement Division an original application, completed by the manufacturer, for an unbranded certificate of title that meets the requirements of Subsection (2) and a copy of the application to the owner of the motor vehicle and to the lienholder, if any, shown on the certificate of title.
- (2) The form of the application shall be approved by the Motor Vehicle Enforcement Division and shall include:
  - (a) the manufacturer's certification that:
    - (i) all nonconformities listed in the disclosure under Section 41-3-408 are completely cured;
    - (ii) the manufacturer warrants to all subsequent purchasers that the nonconformities are cured for the greater of:
      - (A) the remaining balance of the manufacturer's original express warranty period; or
      - (B) one year from the date of the first subsequent retail sale or lease; and
    - (iii) the vehicle identification number has not been removed, falsified, altered, defaced, or destroyed;
  - (b) a description of the motor vehicle, including its vehicle identification number, make, model, and year of manufacture;
  - (c) the owner of the motor vehicle and name of the lienholder, if any, shown on the branded certificate of title; and
  - (d) a description of the repairs made to cure the nonconformities of the motor vehicle, including how they were made.
- (3) If an application for an unbranded certificate of title meets all the requirements of this section, the Motor Vehicle Enforcement Division shall submit the completed application to the Motor Vehicle Division for issuance of an unbranded title in accordance with Section 41-1a-522.
- (4) If a motor vehicle certificate of title is unbranded pursuant to this section and a subsequent purchaser or lessee of the vehicle prevails against a manufacturer in any action involving a nonconformity that was certified as cured pursuant to this section, that purchaser or lessee is entitled to court costs and reasonable attorney's fees.

Enacted by Chapter 175, 1994 General Session